



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)234-0906  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

March 8, 2016

Mr. David Schroeder  
6370 Watercrest Way  
Indianapolis, Indiana 46278

*Re: Formal Complaint 16-FC-22; Alleged Violation of the Access to Public Records Act by Indiana University-Purdue University Indianapolis, Graduate and Professional Student Government*

Dear Mr. Schroeder:

This advisory opinion is in response to your formal complaint alleging Indiana University-Purdue University Indianapolis, Graduate and Professional Student Government (“IUPUI”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 et. seq. IUPUI has responded via Ms. Angela Adams, Associate General Counsel. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on February 3, 2016.

## BACKGROUND

Your complaint dated February 3, 2016 alleges Indiana University-Purdue University Indianapolis, Graduate and Professional Student Government violated the Access to Public Records Act by improperly denying your records request.

You requested copies of emails relating to the Graduate and Professional Student Government (“GPSG”) hiring processes and financial records. You also sought minutes of GPSG meetings, which were not provided.

On February 19, 2016 IUPUI responded. IUPUI states that GPSG is a recognized and independent student organization separate from the university. Therefore, IUPUI asserts the GPSG is not subject to Indiana Public Access Laws. However, IUPUI is performing a search for records in its possession related to the GPSG and will provide them as soon as possible.

## ANALYSIS

The public policy of the APRA states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and

employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. Indiana University-Purdue University Indianapolis is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy IUPUI’s disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

IUPUI has asserted the GPSG is an independent organization not under the control of the university. The key factor here is the GPSG is not made up of university appointed individuals and is not under the control of the university. The GPSG is a peer-driven organization and not a university-driven organization. They are not audited by the State Board of Accounts and do not exercise a function of the executive, legislative, judicial or administrative branch of the Government. *See Ind. Code § 5-14-3-2(n)*.

Therefore, the GPSG is not subject to the Open Door Law or the APRA.

### CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Graduate and Professional Student Government is not subject to Indiana Public Access Laws.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Angela Adams, Esq.